

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

WENDY GUZMAN, INDIVIDUALLY	§§	
AND AS NEXT FRIEND OF TG, A	§§	
MINOR, PLAINTIFF	§§	
	§§	NO. 4:07-cv-03973
V.	§§	(JURY DEMANDED)
	§§	
MEMORIAL HERMANN HOSPITAL	§§	
SYSTEM D/B/A MEMORIAL HERMANN	§§	
SOUTHEAST HOSPITAL, DEFENDANT	§§	

PLAINTIFF'S AGREED MOTION TO DISMISS STATE LAW CLAIMS AGAINST
MEMORIAL HERMANN HOSPITAL SYSTEM D/B/A MEMORIAL
HERMANN SOUTHEAST HOSPITAL

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW WENDY GUZMAN AND DOMINIC GUZMAN, Individually and as Next Friend of TG, a minor, and file this motion to voluntarily dismiss Plaintiffs' state court claims of negligence against Defendant Memorial Hermann Hospital System, d/b/a Memorial Hermann Southeast Hospital, and in support of the motion, would show unto the Court as follows:

1. This Court has previously granted Defendant Memorial Hermann's Motion for Partial Summary Judgment on Plaintiffs' claims under EMTALA.
2. Plaintiffs do not desire to further pursue the state law claims against Defendant Memorial Hermann Hospital System, d/b/a Memorial Hermann Southeast Hospital.
3. Plaintiffs intend to continue to pursue and prosecute all claims against Defendants Philip Haynes, M.D., Ph.D. and Memorial Southeast Emergency Physicians, LLP.
4. No money or other consideration has been given in exchange for Plaintiffs' decision to dismiss the state law claims against Memorial Hermann, and no settlement has been reached

between Plaintiffs and Memorial Hermann or any other party.

5. Defendant Memorial Hermann Hospital System agrees to this motion.

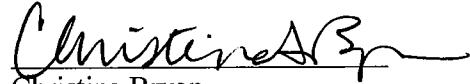
WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that the Court grant the order of dismissal of Plaintiffs' state law claims against Defendant Memorial Hermann Hospital System, d/b/a Memorial Hermann Southeast Hospital.

RESPECTFULLY SUBMITTED

/s/ Phillip A. Pfeifer

Phillip A. Pfeifer
Phillip A. Pfeifer, PC
5216 Jackson St.
Houston, TX 77004
SBOT No. 15883200
Fed. ID No. 2005
713.528.7700 (voice)
1.866.616.6888 (fax)
Attorney for Plaintiff(s)

Agreed:


Christina Bryan
Counsel for Memorial Hermann
Hospital System, d/b/a Memorial
Hermann Southeast Hospital

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ORDER OF DISMISSAL

In consideration of Plaintiffs' Agreed Motion for Voluntary Dismissal of State Law Claims Against Defendant Memorial Hermann Hospital System d/b/a Memorial Hermann Southeast Hospital, and the agreement of Memorial Hermann Hospital System to such motion, it is hereby order that Plaintiffs' Motion to Dismiss Plaintiffs' State Law Claims is hereby granted, and it is therefore

ORDERED, that Plaintiffs's claims under State Law against Defendant Memorial Hermann Hospital System d/b/a Memorial Hermann Southeast Hospital are hereby dismissed, but Plaintiffs' claims under State Law against Defendants Philip Haynes, M.D., Ph.D. and Memorial Southeast Emergency Physicians, LLP, are not dismissed and remain pending in this Court.

Signed this _____ day of _____, 2009.

Hon. Lee Rosenthal
United States District Judge